those of the man who pays him. *Driscoll* v. *Towle,* 181 Mass. 416. See, generally, *Sargent Paint Co.* v. *Petrovitzky* (Ind., 1919), 124 N. E. 881.

NEGLIGENCE PER SE—VIOLATION OF SPEED ORDINANCE—PROXIMATE CAUSE.—A motorcycle rider was injured through the negligence of the driver of an automobile at a street intersection. Both vehicles were exceeding the authorized speed of ten miles per hour. *Held,* the motorcycle rider was guilty of contributory negligence *per se* by violation of the ordinance and could not recover, his negligence being the proximate cause of the injury. *Dowdell* v. *Beasley* (Ala., 1919), 82 So. 40.

The better rule is that violation of such an ordinance is not negligence *per se* but is merely evidence of negligence. *Scott* v. *Dow,* 162 Mich. 636. Some courts have gone so far as to consider such a violation no evidence of negligence. *Ford's Adm'r* v. *Paducah City Ry.,* 124 Ky. 488. However, the failure to stop an automobile at a railroad crossing may be negligence *per se. Earle* v. *P. & R. Ry. Co.,* 248 Pa. 193. So also, the failure to slow down before crossing a street-car track, the presence of which is known, is sufficient evidence on which to direct a verdict. *Westcott* v. *Waterloo etc. Ry. Co.,* 173 Iowa 355. The decision in the principal case is fully supported in many jurisdictions, *Schell* v. *DuBois,* 94 Ohio St. 93, but it is to be justified rather on ground of *proximate cause* than on the ground of negligence *per se,* Cf. 17 MICH. L. REV. 275, 3 COLUMBIA L. R. 344, 10 ib 367, 19 HARV. L. R. 288, 10 N. C. C. A. 820, 13 ib. 982.

NUISANCE—RESPONSIBILITY FOR ACTS OF THIRD PARTIES—INJUNCTION—EXECUTIVE INTERFERENCE—THE GERMAN OPERA CASE.—Plaintiff corporation, organized for the purpose of giving musical performances, had contracted to give a series of operas in German during the season of 1919-1920. There was much public hostility to the proposed project, and, before the first performance, the mayor of the city, on petition of the American Legion, allowed a hearing to those who favored and those who opposed the proposed performances. The opening performances produced riotous demonstrations, which necessitated calling out large bodies of police, and resulted in various severe injuries. The mayor having subsequently prohibited these performances until the peace treaty should be ratified, the plaintiff secured an injunction *pendente lite,* restraining the mayor. This case comes up on a motion of the plaintiff to continue this injunction *pendente lite. Held,* the mayor could prohibit such performances as these, and the court denied the motion of the plaintiff corporation, at the same time vacating the temporary restraining order. *Star Opera Co., Inc.* v. *Hylan et al.* (1919), 178 N. Y. S. 179.

Many jurisdictions admit the fact that an act, innocent in itself, may at times be carried on under such circumstances as to become a nuisance. *Boston Ferrule Co.* v. *Hills,* 159 Mass. 147; *Kissel* v. *Lewis,* 156 Ind. 233; *Cronin* v. *Bloemecke,* 58 N. J. Eq. 313; *Harrison* v. *The People,* 101 Ill. App. 224. These cases show that a lawful act will be enjoined, if and when it becomes a nuisance, either by indictment or by private bill; but the case under discussion differs from these, and is peculiar, in that it is not the acts